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09/739,938	12/18/2000	Robert Rosin	SONYA-56320	6083

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,938

Applicant(s)

ROSIN ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 74 and 103 is/are allowed.
- 6) ☒ Claim(s) 57-73, 75-102 and 104-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

RD

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT entered on April 13, 2005 for the patent application number 09/739,938 09/427,680 filed on December 18, 2000.

Priority

2. The patent application claims priority from US Application number 09/201,020 filed November 20, 1998.

Status of the claims

3. Claims 1-56 previously canceled by the applicant, and the remaining claims 57-108 are examined herein as follows.

4. The reference cited (US Pat No. 6,177,931) in the Information Disclosure Statement submitted on 2/14/05, were cited previously within an Official Action mailed on January 31, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 57-75, 77-93, 95-102, and 104-108 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer et al (US Pat No 6,268,849).

Boyer discloses an Internet television program guide system that allows a user at a multimedia system to access television program listings containing embedded real-time data over an Internet communication link.

With regard to claim 57:

Boyer discloses a system, Internet television program guide system for enabling a user to select among and access one of a plurality of Internet websites and television programs (see Abstract).

The system comprising a graphical user interface (e.g., Internet television program guide, Figs. 2 through 14). The graphical user interface includes means for enabling selection (e.g., mouse cursor) of and access (e.g., Internet links formed from telephone lines, radio-frequency (RF) links, cable modem links, etc) to one of a plurality of Internet websites (column 5, lines 1-44).

The graphical user interface further includes means for enabling navigation (e.g., using a pointing to select channel) of and one or more television channels (column 6, lines 23-46).

The graphical user interface includes means for enabling selection of and access to one of an array of web channels upon actuating (e.g., using a pointing) the Internet website selection-access enabling means (e.g., using a pointing), wherein each web channel includes a plurality of selectable categories associated with the web channel, and a plurality of selectable Internet websites related to and associated with each selectable category (column 10, lines 41-column 11, lines 24).

The graphical user interface further includes means for enabling customization (e.g., adding or removing channel using a pointing device) of at least one of the array of web channels upon actuating the web channel selection-access enabling means so as to enable selection of one of the plurality of selectable categories (Fig. 13) associated with the web channel, and one of the plurality of selectable Internet websites related to and associated with each selectable category (column 6, lines 47-column 7, lines 40).

With regard to claim 58:

The graphical user interface further includes a web channel guide, in which the array of the web channels is presented (e.g., Figs. 9, 14, etc).

With regard to claim 59:

The Internet television program guide system comprising a plurality of web channel buttons (e.g., Figs. 11, and 14), each of which is adapted to be associated with one of the array of the web channels.

With regard to claim 60:

The Internet television program guide system further comprising means for enabling the user to customize the at least one of the plurality of Internet websites associated with each of the array of the web channels (column 6, lines 23-column 7, lines 40).

With regard to claim 61:

The Internet television program guide system further comprising means for enabling the user to navigate among the array of the web channels (e.g. pointing device, column 6, lines 23-36).

With regard to claim 62:

The Internet television program guide system further comprising means for displaying the graphical user interface (e.g. display device, Fig. 1).

With regard to claim 63:

The Internet television program guide system further comprising means for identifying the web channel being presented, upon presenting the web channel (e.g., station name, logo, or channel number, Fig. 11).

With regard to claim 64:

The Internet television program guide system further comprising means for enabling the associating means (e.g., via web browser) to access an Internet website selected by the user (column 5, lines 59-column 6, lines 22).

With regard to claim 65:

The Internet television program guide system further comprising a client device (user device or multimedia computer systems 72-76, Fig. 1), including an Internet browser for enabling access to and retrieval of the plurality of the Internet websites (column 5, lines 45-column 6, lines 22).

With regard to claim 66:

The Internet television program guide system further comprising means for enabling the user to navigate among the plurality of the Internet websites associated with each of the plurality of the web channels (e.g., browser), and to obtain access to each of the plurality of the associated Internet websites (column 5, lines 45-column 6, lines 22).

With regard to claim 67:

The Internet television program guide system further comprising means for enabling the displaying of the web channel guide (e.g., user display device, Fig. 1) wherein the displaying enabling means are further adapted to enable the displaying of the plurality of the associated Internet websites (e.g., see the multiple web pages displayed in Figs. 9, 11, and 14).

With regard to claim 68:

The Internet television program guide system further comprising a client device (e.g., user's device, Fig. 1) and means for enabling a plurality of the Internet websites associated with the plurality of the web channels to be downloaded (e.g., downloading via browser, column 6, lines 23-46) and stored in the client device.

With regard to claim 69:

The Internet television program guide system further comprising that each of the plurality of the web channels comprises one of a plurality of the Internet websites commonly accessed by the user (e.g., column 5, lines 59-column 6, lines 4, Figs. 9, 11, 12, and 14).

With regard to claim 70:

The Internet television program guide system further comprising that each of the plurality of the Internet websites comprises one of the plurality of the Internet websites selected for the user (e.g., column 10, lines 41-column 11, lines 8).

With regard to claim 71:

The Internet television program guide system further comprising that the plurality of the Internet websites associated with each of the plurality of the web channels comprises a group of the Internet websites categorized for the user based on content (e.g., column 10, lines 41-column 11, lines 24).

With regard to claim 72:

The Internet television program guide system further comprising customization enabling means include a plurality of customizing buttons, each of which is adapted to be associated with one of the array of the web channels (as illustrated in Fig. 8, user of the system would be able to customize his TV Viewing preference using several customizing buttons, such as customizing by time, by channel, and by category (column 8, lines 39-62).

With regard to claim 73:

The Internet television program guide system further comprising that the customization enabling means include a plurality of category buttons (e.g., Fig. 13), adapted to be associated with each of the array of the web channels (column 10, lines 65-column 11, lines 24).

With regard to claim 75:

The Internet television program guide system further comprising that each of the plurality of the web channel buttons includes a web channel number, and a web channel title representing the associated Internet website (see Figs. 9, 11, 12 and 14).

With regard to claim 77:

The Internet television program guide system further comprising that the navigating enabling means comprise a keyboard which includes function keys for enabling navigating among the web channels (e.g., user's multimedia computer comprises a keyboard, which includes function keys Fig. 1).

With regard to claim 78:

The Internet television program guide system further comprising that the navigating enabling means comprise a mouse device (column 6, lines 23-36).

With regard to claim 79:

The Internet television program guide system further comprising that the navigating enabling means include means for enabling the user to move up and

down (see back and forward buttons 226, Fig. 2, or up and down scroll buttons 626 and 628 respectively, column 9, lines 29-46) among the web channels.

With regard to claim 80:

The Internet television program guide system further comprising that the navigating means include means for enabling direct access (e.g., Internet links, column 5, lines 21-30) to a selected one of the web channels.

With regard to claim 81:

The Internet television program guide system further comprising that the displaying means comprise a display monitor (e.g. user devices comprises monitors, Fig. 1).

With regard to claim 82:

The Internet television program guide system further comprising that the displaying means comprise a television display (e.g. one of the user devices comprises TV monitor, Fig. 1).

With regard to claim 83:

The Internet television program guide system further comprising that the web channel identifying means comprise a guide strip, adapted to be presented upon presenting the web channel (e.g., title bar 806, contains information identifying the currently selected channel, column 10, lines 63-64).

With regard to claim 84:

The Internet television program guide system further comprising that the access enabling means comprises a digital cable system (column 5, lines 21-30).

With regard to claim 85:

The Internet television program guide system further comprising that the access enabling means comprises a telephone modem (column 5, lines 21-30).

With regard to claim 86:

The Internet television program guide system further comprising that the access enabling means comprises a digital broadcast satellite system (column 5, lines 21-30).

With regard to claim 87:

The Internet television program guide system further comprising that the access enabling means comprises a web server (e.g. web server 55, column 5, lines 21-30).

With regard to claim 88:

The Internet television program guide system further comprising customization enabling means include a plurality of customizing buttons, each of which is adapted to be associated with one of the array of the web channels (as illustrated in Fig. 8, user of the system would be able to customize his TV Viewing preference using several customizing buttons, such as customizing by time, by channel, and by category (column 8, lines 39-62).

With regard to claim 89:

The Internet television program guide system further comprising that each of the plurality of category buttons includes a plurality of Internet website buttons, each of which is adapted to be associated with one of the plurality of selectable Internet websites (e.g., Fig. 13, column 10, lines 65-column 11, lines 24).

With regard to claim 90:

The Internet television program guide system further comprising means for enabling at least one of the plurality of Internet websites to be downloaded and stored in the client device (column 2, lines 43-48).

With regard to claim 91:

The Internet television program guide system further comprising that each of the plurality of the web channel buttons includes a uniform resource locator representing the associated Internet website (column 5, lines 59-column 6, lines 22).

With regard to claim 92:

The Internet television program guide system further comprising that the guide strip is adapted to include a web channel number, and a web channel title representing the associated web channel (column 10, lines 63-64).

With regard to claim 93:

The Internet television program guide system further comprising that each of the Internet website buttons includes an Internet website title representing the associated Internet website (e.g., see Figs. 9, 11, 12, and 14).

With regard to claim 94:

Boyer also discloses a method of enabling a user to select among and access one of a plurality of Internet websites and one or more television channels, within the described system as cited in rejecting claim 57. The method, the Internet television program guide method includes limitation that corresponds generally to independent system claim 57 and recites similar features in method form, and therefore is rejected under the same rational.

With regard to claim 95:

The graphical user interface further includes a web channel guide, in which the array of the web channels is presented, and web channel display enabling further comprises enabling the displaying of the web channel guide (e.g., see Figs. 9, 11, 12, and 14).

With regard to claim 96:

The Internet television program guide method further comprises a plurality of web channel buttons, each of which is adapted to be associated with one of the array of the web channels, and web channel display enabling further comprises enabling the displaying of the plurality of the web channel buttons (see Figs. 9, 11, 12, and 14).

With regard to claim 97:

The Internet television program guide method further comprises that that each of the array of the web channels is adapted to be associated with a plurality of the Internet websites (column 5, lines 59-column 6, lines 22), and web channel

display enabling further comprises enabling the selection of one of the plurality of the Internet websites associated with each of the array of the web channels (column 9, lines 29-45).

With regard to claim 98:

The Internet television program guide method further comprises that the system further comprises means for enabling the user to navigate among the array of the web channels, and the method further comprises enabling the user to navigate among the array of the web channels (column 9, lines 29-45).

With regard to claim 99:

The Internet television program guide method further comprises means for displaying the graphical user interface (e.g., user display device, Fig. 1), and the method further comprises displaying the graphical user interface (Figs. 9 -14).

With regard to claim 100:

The Internet television program guide method further comprises means for identifying the web channel being presented upon presenting the web channel (e.g., see the displayed logo, name of the channel, in Figs. 9, 11, 12, and 14), and the method further comprises presenting a web channel and identifying the web channel being presented (e.g., see the displayed logo, name of the channel, in Figs. 9, 11, 12, and 14).

With regard to claim 101:

The Internet television program guide method further comprises means for enabling the associated means to access an Internet website selected by the user (via selecting http or URL name via browser, column 5, lines 59-column 6, lines 22), and the method further comprises enabling the associating means to access an Internet website selected by the user (selecting http or URL name via the browser, column 5, lines 59-column 6, lines 22).

With regard to claim 102:

The Internet television program guide method further a client device (e.g., Fig. 1), including an Internet browser for enabling access to and retrieval of the plurality of the Internet websites, and the method further comprises enabling the Internet browser to access and retrieve the plurality of the Internet websites column 6, lines 23-62).

With regard to claim 104:

Independent claim 104 is rejected for reasons similar to those given for the rejection of claim 57.

With regard to claims 105 through 109:

These Independent claims are rejected for reasons similar to those given for the rejection of claim 94.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al (US Pat No 6,268,849) in view of Boyer et al (US Pub no 2003/0066085).

With regard to claim 76:

While Boyer ('849) discloses other user interface devices comprising keyboard, and pointing devices as a navigation enabling means, but Boyer ('849) does not mention a remote control device as a navigation enabling means. However, Boyer ('2003/0066085) discloses several navigating enabling means comprising a remote control device (paragraph 62).

Both Inventions of Boyer are directed to the same invention, that is interactive programming.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the remote control device of Boyer ('0066085) with interface device of Boyer ('849) because user of the system will have a choice of Suitable user interfaces devices.

Therefore, it would have been obvious to combine the two inventions of Boyer's to obtain the invention as specified in claim 76.

Response to Arguments

Applicant's arguments filed on April 13, 2005 have been fully considered but they are not persuasive. Regarding the independent claim 57, while claims 57 reads "navigation of one or more television channels", but the Applicants argue "Boyer does not teach navigation of one or more television channels **from the guide**," (emphasize added by the Examiner). The Applicants also state Boyer only teaches that the program guide includes television program listings and data about television programs.

In contrast to the Applicants argument, Boyer discloses navigation of one or more television channels from the guide. As illustrated in FIG. 11, Boyer discloses a guide display presenting a menu of channel selections. A user can click on each individual channel 766 in channel list 762 to obtain a list of program information based on the selected channel. For example, the user may select a sports channel to view dynamic information pertaining to a game in progress being televised on that particular channel. When a channel 766 is selected, the user is presented with channel program list page 800, as shown in FIG. 12 (column 10, lines 41-64).

Because the television program guide is provided using web pages, the features of the program guide may be accessed using standard web browsers operating on the appropriate processing unit in the user's multimedia system (column 6, lines 1-4, column 7, lines 63-65).

Also, while claim 57 reads in part "a graphical user interface which includes: means for enabling selection of and access to one of a plurality of Internet websites;

means for enabling navigation of one or more television channels;" but the Applicants argue "Boyer does not teach enabling **integrated navigation** between Internet websites and television channels." (emphasis added by Examiner).

In contrast to the Applicants argument Boyer discloses an Internet Television program guide system including a graphical user interface, that allows a user to access a television program channel listings as well as Internet websites (Abstract, column 6, lines 23-46, Figs. 9, 1, 12, etc). Furthermore, because the television program guide is provided using web pages, the features of the program guide may be accessed using standard web browsers operating on the appropriate processing unit in the user's multimedia system(column 6, lines 1-4,column 7, lines 63-65).

In regard to claims 104, In addition to the Applicants arguments presented in claim 57, the Applicants further argue "Boyer does not teach a television channel navigation enabling element for enabling navigation of one or more television channels."

In contrast to the Applicants argument, as illustrated in FIG. 11, Boyer discloses a guide display presenting a menu of channel selections. A user can click on each individual channel 766 in channel list 762 to obtain a list of program information based on the selected channel. For example, the user may select a sports channel to view dynamic information pertaining to a game in progress being televised on that particular channel. When a channel 766 is selected, the user is

presented with channel program list page 800, as shown in FIG. 12 (column 10, lines 41-64). Because the television program guide is provided using web pages, the features of the program guide may be accessed using standard web browsers operating on the appropriate processing unit in the user's multimedia system (column 6, lines 1-4, column 7, lines 63-65).

In regard to arguments of claims 106 and 107, In addition to the Applicants argument presented in claim 57, the Applicants further argue "Boyer does not teach that television content corresponding to a television channel is displayed when the television channel is selected."

In contrast to the Applicants argument Boyer discloses television content corresponding to a television channel is displayed when the television channel is selected. For example, the user has clicked on the entry "Knicks v. Bulls" in program listings 620 of FIG. 9. As a result, the contents of program information box 636 reflect this selection (column 4, lines 44-67, column 9, lines 55-column 10, lines 10).

The arguments presented regarding independent claims 94, 105 and 108 correspond generally to independent claim 57 arguments, and therefore the Examiner responses to these arguments are similar to those given for the responses of claim 57.

Regarding dependent claim 76 rejection, the applicants argue that since Publication Number 2003/0066085 does not suggest the claim 57 elements missing

from Boyer, the combination of Boyer and publication No. 2003/0066085 does not disclose or suggest claim 57. The Examiner disagrees because as given responses to the arguments presented regarding claim 57, Boyer does teach the argued limitations. Thus, Boyer et al (US Pat No 6,268,849) in view of Boyer et al (US Pub No 2003/0066085) still holds and reads on claim 76.

Having fully addressed the Applicant's argument, the rejection still stands.

Allowable Subject Matter

7. As given reasons of statement of allowance in the previous Office Action, independent claims 74 and 103 are now allowed.

CONCLUSION

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

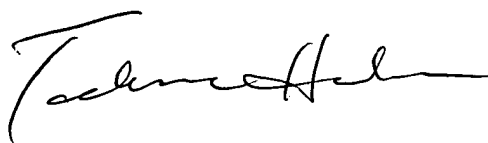
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571)

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273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

10. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu
Art Unit 2173
6/23/05

A handwritten signature in black ink, appearing to read 'Tadesse Hailu', written in a cursive style.